

K9A5lerS

telephonic proceeding

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

12 Cr. 489/14 Cr. 75 (RA)

5 PAUL CALDER LEROUX,

6 Defendant.

7 -----x

8 September 10, 2020

9 9:20 a.m.

10 Before:

11 HON. RONNIE ABRAMS,

12 District Judge

13
14 APPEARANCES

15 AUDREY STRAUSS

16 Acting United States Attorney for the
17 Southern District of New York

BY: MICHAEL D. LOCKARD

18 Assistant United States Attorney

19 LAW OFFICES OF JEFFREY CHABROWE

20 Attorneys for Defendant

21 BY: JEFFREY CHABROWE
22
23
24
25

K9A51erS

telephonic proceeding

1 (Case called)

2 THE DEPUTY CLERK: Counsel, will you please state your
3 name for the record?

4 MR. CHABROWE: Jeffrey Chabrowe for Mr. Leroux. Good
5 morning.

6 THE COURT: Good morning.

7 MR. LOCKARD: Good morning, your Honor. This is
8 Michael Lockard for the government.

9 THE COURT: Good morning.

10 As I noted in my July 10th order, I scheduled this
11 proceeding to clarify the breakdown of the 300-month sentence I
12 previously imposed but first I just want to remind everyone
13 that this is a public proceeding. Members of the public and
14 press are able to access the proceeding through the public
15 call-in number. All participants, however, are reminded that
16 any recording or rebroadcasting of any portion of this
17 proceeding is strictly prohibited.

18 I also want to confirm that Mr. Leroux again consents
19 to proceed by video today. We are of course in the middle of
20 the COVID-19 pandemic. I am conducting this proceeding
21 remotely pursuant to the authority provided by Section 15002 of
22 the CARES Act and standing orders issued by our Chief Judge
23 pursuant to that. I am proceeding by video conference, I am
24 myself within the district. Counsel are appearing by phone but
25 Mr. Leroux is appearing by video conference from the GEO

K9A5lerS

telephonic proceeding

1 facility.

2 Mr. Leroux, can you see and hear me?

3 THE DEFENDANT: I can, your Honor.

4 THE COURT: And do you again consent to proceed by
5 video today?

6 THE DEFENDANT: I do, your Honor.

7 THE COURT: I find that a knowing and voluntary waiver
8 of the right to be physically present has been made. I also
9 find that today's proceeding cannot be further delayed without
10 serious harm to the interests of justice because Mr. Leroux
11 initially sought a time-served sentence and now seeks to
12 promptly appeal the sentence. It is also important that he be
13 designated to a facility. So, let's just get to the heart of
14 this.

15 As you all know, on June 12th I sentenced Mr. Leroux
16 to 300 months' imprisonment on a total of seven counts,
17 specifically Counts One through Four of indictment 12 crim 489
18 and Counts One through Three of 14 crim 75. Judgment was
19 entered in 12 crim 489 on July 8th. Mr. Leroux appealed that
20 judgment on July 9th. The Court will enter a revised judgment
21 in that case, in 12 crim 489, after this sentencing. Judgment
22 has not yet been entered in 14 crim 75 because I discovered
23 errors regarding the breakdown of the sentence upon reviewing
24 the transcript of the sentencing proceeding prior to issuing
25 that judgment.

K9A5lerS

telephonic proceeding

1 So, I want to be clear that I am incorporating
2 everything from the June 12th proceeding. So, for the reasons
3 that I stated then I am imposing a sentence of 300 months in
4 prison. That has not changed. I am, though, amending the
5 breakdown of that sentence as there were errors in my
6 articulation of it. So, the sentence is as follows: 300
7 months on Count One of 12 crim 489; 240 months on Count Two of
8 12 crim 489; 60 months on Count Three of 12 crim 489; 150
9 months on Count Four of 12 crim 489; 60 months on Count One of
10 14 crim 75; 240 months on Count Two of 14 crim 75; and 240
11 months on Count Three of 14 crim 75. All of these sentences
12 are to run concurrently for a total of 300 months' imprisonment
13 on all counts which includes, of course, the amount of time
14 Mr. Leroux has already served which I believe is about 95
15 months at this point in time.

16 The terms of supervised release and the conditions of
17 supervised release will all remain the same, what I articulated
18 previously, as will the fine or lack thereof, and the \$700
19 special assessment. So that's all remaining the same.

20 I do, though, before we go, want to touch on
21 restitution and forfeiture.

22 Mr. Lockard, where are we on restitution? On June 12
23 you requested 90 days which I believe is up today so where are
24 we on seeking restitution and submitting a proposed restitution
25 order?

K9A5lerS

telephonic proceeding

1 MR. LOCKARD: Yes, your Honor.

2 At this point we have not identified a victim
3 (inaudible) loss, and so at this time we are not in a position
4 to submit a proposed order of restitution.

5 THE COURT: Okay. Well, if that changes, I would
6 intend to impose restitution but, since it hasn't, I'm not
7 going to do so at this point in time.

8 Then, with respect to forfeiture, on July 17th I
9 signed the preliminary forfeiture order that the government
10 proposed. Mr. Chabrowe, do you have any objection to the
11 preliminary forfeiture order?

12 MR. CHABROWE: I do not, your Honor.

13 THE COURT: Okay. So I am incorporating the
14 forfeiture order into my sentence today. I previously ordered
15 forfeiture but I am going to incorporate that forfeiture order
16 into my sentence today.

17 Does either counsel know of any legal reason why this
18 sentence should not be imposed, as stated? All prior
19 objections are preserved for the record.

20 MR. CHABROWE: I do not, your Honor.

21 THE COURT: Mr. Lockard?

22 MR. LOCKARD: I do not, your Honor.

23 THE COURT: Okay. So I want to clarify again that
24 Mr. Leroux has a right to appeal his conviction and sentence
25 except to whatever extent he may have validly waived that

K9A5lerS

telephonic proceeding

1 right. If he does choose to appeal, the notice of appeal must
2 be filed within 14 days of the judgment of conviction. I am
3 going to issue these two judgments promptly. If you cannot pay
4 for the cost of an appeal, you may apply for leave to appeal in
5 forma pauperis which simply means that Court costs such as
6 filing fees will be waived. If you request, the Clerk of Court
7 will prepare and file a notice of appeal on your behalf.

8 Are there any other applications at this time?

9 All right. Well, thank you all for coming back today
10 and allowing me to clarify that. We are adjourned. Thank you.

11 o0o
12
13
14
15
16
17
18
19
20
21
22
23
24
25